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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,485

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Raymond C. Kurzweil

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EXAMINER

GODBOLD, DOUGLAS

ART UNIT

PAPER NUMBER

2626

NOTIFICATION DATE

DELIVERY MODE

09/16/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,485	<b>Applicant(s)</b> KURZWEIL, RAYMOND C.	
	<b>Examiner</b> DOUGLAS C. GODBOLD	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-16,19-29 and 32-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-16,19-29 and 32-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to correspondence filed August 26, 2009 in reference to application 10/730,485. Claims 1, 2, 5-16, 19-29, and 32-45 are pending and have been examined.

#### ***Response to Amendment***

2. The amendment filed August 26, 2009 has been accepted and considered in this office action. Claims 1, 7, 8, 15, and 28 have been amended, and claims 32-45 have been added.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 2, 5-16, 19-29, and 32-45 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

4. Claim 15 is objected to because of the following informalities: "comprises" should be "comprising" in line 2. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 5-12, 14-16, 19-25, 27-29, 32-41 and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Roth (US PAP2003/0028498).

7. Consider claim 1, Roth teaches a computer implemented method of conducting commerce, using one or more computers (paragraphs 0040-0049, sales agent), the method comprising:

receiving transaction requests as text inputs (input can be text; 0041. customer can initiate a transaction, 0042);

using one or more computers executing natural language processing to analyze the text inputs to build a conversation based on the transaction requests (0042- 0044, responses are authored.);

conducting transactions based on the text inputs (0045 shows buying.);

generating in the one or more computers voice-synthesized responses in accordance with the transactions through an avatar (follow up responses such as adding to cart.; 0045);

tracking the transactions by storing the transactions in a database (0040 and 0049 discuss "learning" and adapting to the customer's habits. This would require a database. );

generating additional, voice-synthesized, follow-up responses through the avatar in response to occurrences of the transactions, with the voice-synthesized, follow-up responses based on information stored in the database, including information regarding the transactions (paragraph 0045-0046 shows suggestions that can be based on what the customer previously purchased );

receiving by the computer subsequent text inputs from the user in response to the voice- synthesized, follow-up responses (0046, customer says don't keep telling me to buy); and

analyzing in the one or more computers the transactions, the subsequent text inputs and the voice-synthesized, follow-up responses about the transactions to produce market research information (paragraph 0049, behavior is based on previous transactions and information assembled on the shopper. This is market research information.).

8. Consider claim 2, Roth teaches the method of claim 1 wherein tracking comprises:

searching a database to find related information associated with conducting the transactions (0042 and 0044 discuss searching databases for information).

9. Consider claim 5, Roth teaches the method of claim 1 wherein one of the transactions is a user request as to order status for an order being tracked in the

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database (0044 and 0048 discuss using the agent for customer service, including order status.).

10. Consider claim 6, Roth teaches the method of claim 1 wherein generating the responses comprises:

searching a database for content related to one of the transaction requests (0042 and 0044 discuss searching databases for information); and

animating the avatar with a voice and facial movements corresponding to content found in the database (paragraph 0041 discusses speech output, paragraph 0500 discusses animation.).

11. Consider claim 7, Roth teaches the method of claim 6 wherein animating comprises generating verbal suggestions for conducting one of the transactions (0045 shows verbal suggestions).

12. Consider claim 8, Roth teaches the method of claim 6 wherein animating comprises processing text input from the user with natural language processing (NLP) techniques to develop and build conversations between a user and the avatar (0041-0042, sales agent communicates in natural language dialogs. Details on the inter-workings are given in great detail 0157-0742).

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13. Consider claim 9, Roth teaches the method of claim 1 wherein receiving one of the text inputs is in response to a suggestion generated by the avatar (0045, questions are given that are replied to by human.).

14. Consider claim 10, Roth teaches the method of claim 1 wherein generating additional, voice- synthesized, follow-up responses includes an inquiry for financial information (0784, asking for visa number).

15. Consider claim 11, Roth teaches the method of claim 1 wherein one of the transactions involves a sales transaction (0045, helping with purchase).

16. Consider claim 12, Roth teaches the method of claim 1 wherein one of the transactions involves a help desk inquiry that involves customer support for a product or service (0044 and 0048 show customer service functions.).

17. Consider claim 14, Roth teaches the method of claim 1 wherein one of the transactions involves processing an inquiry (0044 discusses querying databases).

18. Claim 15 is directed towards a computer program product, residing on a computer readable medium, for conducting commerce comprising instructions (taught by Roth 0133-0142) for causing a computer to perform steps similar to the claim 1, and is therefore rejected for similar reasons.

19. Claim 16 is a computer program product similar to the method of claim 2, and is therefore rejected for similar reasons.

20. Claim 19 is a computer program product similar to the method of claim 5, and is therefore rejected for similar reasons.

21. Claim 20 is a computer program product similar to the method of claim 6, and is therefore rejected for similar reasons.

22. Claim 21 is a computer program product similar to the method of claim 7, and is therefore rejected for similar reasons.

23. Claim 22 is a computer program product similar to the method of claim 8 and is therefore rejected for similar reasons.

24. Claim 23 is a computer program product similar to the method of claim 10, and is therefore rejected for similar reasons.

25. Claim 24 is a computer program product similar to the method of claim 11, and is therefore rejected for similar reasons.



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26. Claim 25 is a computer program product similar to the method of claim 12, and is therefore rejected for similar reasons.

27. Claim 27 is a computer program product similar to the method of claim 14, and is therefore rejected for similar reasons.

28. Claim 28 is directed towards a system (taught by Roth 0133-0142) for causing a computer to perform steps similar to the claim 1, and is therefore rejected for similar reasons.

29. Consider claim 29, Roth teaches the system of claim 28 further comprising: a client system for sending the text input to the server, with the client system executing a web browser program (client side 0139).

30. Claim 32 is a computer program product similar to the method of claim 9, and is therefore rejected for similar reasons.

31. Claim 33 is a system similar to the method of claim 2, and is therefore rejected for similar reasons.

32. Claim 34 is a system similar to the method of claim 5, and is therefore rejected for similar reasons.

33. Claim 35 is a system similar to the method of claim 6, and is therefore rejected for similar reasons.

34. Claim 36 is a system similar to the method of claim 7, and is therefore rejected for similar reasons.

35. Claim 37 is a system similar to the method of claim 8, and is therefore rejected for similar reasons.

36. Claim 38 is a system similar to the method of claim 9, and is therefore rejected for similar reasons.

37. Claim 39 is a system similar to the method of claim 10, and is therefore rejected for similar reasons.

38. Claim 40 is a system similar to the method of claim 11, and is therefore rejected for similar reasons.

39. Claim 41 is a system similar to the method of claim 12, and is therefore rejected for similar reasons.

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40. Claim 43 is a system similar to the method of claim 14, and is therefore rejected for similar reasons.

41. Consider claim 44, Roth teaches the method of claim 1 wherein the text inputs are received from a client system executing a web browser program (Roth 0133-0142 shows client and server sides).

42. Consider claim 45, Roth teaches the computer program product of claim 15 wherein instructions to receive transaction requests as text inputs comprise instructions to receive the text inputs from a client system executing a web browser program (Roth 0133-0142 shows client and server sides).

***Claim Rejections - 35 USC § 103***

43. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

44. Claims 13, 26, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth in view of Bennett.

45. Consider claim 13, Roth teaches the method of claim 1 but does not specifically teach wherein one of the transactions involves a report for customer support to report a malfunctioning product, system, or service.

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In the same field of avatar processing, Bennett teaches that one of the transaction involves a report for customer support to report a malfunctioning product, system, or service ("a 'monitor' problem, a 'keyboard' problem, a 'printer' problem, etc", column 36, lines 64- 65).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include product help as taught by Bennett in the system of Roth, in order to be able to provide the customer with greater customer services.

46. Claim 26 is a computer program product similar to the method of claim 2, and is therefore rejected for similar reasons.

47. Claim 41 is a system similar to the method of claim 13, and is therefore rejected for similar reasons.

### ***Conclusion***

48. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS C. GODBOLD whose telephone number is (571)270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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DCG

/Richemond Dorvil/

Supervisory Patent Examiner, Art Unit 2626